

March 27, 1998

Mark Lyon, President
La Jolla Community Planning Association
410 Bird Rock Avenue
La Jolla, CA 92037

Re: La Jolla Community Planning Association

Dear Mr. Lyon:

On February 17, 1998, a group of citizens concerned about the operation of the La Jolla Community Planning Association met in Sumner Auditorium to discuss ways in which the process or organization might be improved. As you know, there was quite a bit of discussion about a number of issues. However, there was also quite a bit of agreement on the types of things that might be improved.

This letter is the product of a group of the attendees at the February 17 meeting who volunteered to compile the various suggestions made for improvement: Mary Cutchin, Vince Kelley, Bruce Minter, Betty Morrison, Scott Peters, Ouisa Pillsbury and Hanish Redford. We do not claim that any of these options is the sole answer, but we offer them to the CPA as means to dispel some apparent dissatisfaction with our community's designated planning group.

INCLUSIVENESS

There appears to be agreement that greater participation in the CPA should be encouraged. Mr. Dahlberg's memo suggested that "greater participation is important even if it leads to a somewhat less efficient way of doing business," and that "many La Jollans feel the CPA process is designed to prevent a wide participation." Mr. Minter's handout responded:

"No problem here. The lack of inclusiveness can really be attributed to lack of participation on the part of the citizen . . . It would certainly be desirable to have more members and trustee nominations . . . how do we get that done?"

A number of people feel that the membership provisions are too restrictive; perhaps this is partly responsible for the lack of participation in elections. The City Council policy provides only that planning group members be "at least eighteen (18) years of age, and shall be affiliated with the community as a property owner or resident or local business person with a business address in the community at which employees or operators of the business are located." (Council Policy 600-24, Article III, Section 3.)

The CPA membership requirements are much more restrictive. Currently, CPA members must:

"[he] at least eighteen (18) years of age and (a) have submitted a written application for Membership or Trusteeship to the Secretary, (b) have attended at least one-third or three (3) (whichever is less) of the regular public meetings of the Community Planning Association of La Jolla in the immediate calendar year that commenced on January one (1) and ended on December 31, and (c) who either (1) own property in La Jolla, or (2) reside in La Jolla, or (3) have their princip[al] place of business or employment in La Jolla." [CPA Bylaws, Article III, Section 2.]

Following is a list of suggestions for opening up membership to encourage greater participation:

A. Option 1 -- Use the City Policy's Membership Criteria.

This would eliminate the controversial application requirement and the attendance requirement. The CPA's membership policy would be changed so that membership would be open to anyone who is:

"at least eighteen (18) years of age and (a) have submitted a written application for Membership or Trusteeship to the Secretary; (b) have attended at least one-third or three (3) (whichever is less) of the regular public meetings of the Community Planning Association of La Jolla in the immediate calendar year that commenced on January one (1) and ended on December 31; and (c) who either (1) owns property in La Jolla, or (2) resides in La Jolla, or (3) has his or her principal place of business or employment in La Jolla."

B. Option 2 -- Eliminate Application Requirement

If the trustees are not inclined to eliminate the attendance requirement, they could still increase participation by eliminating the application requirement, which many view (right or wrong) as a trap to keep out the unwary. In this case, membership would be open to anyone who is:

"at least eighteen (18) years of age and (a) have submitted a written application for Membership or Trusteeship to the Secretary; (b) has attended at least one-third or three (3) (whichever is less) of the regular public meetings of the Community Planning Association of La Jolla in the immediate calendar year that commenced on January one (1) and ended on December 31, and (b) who either (1) owns property in La Jolla, or (2) resides in La Jolla, or (3) has his or her principal place of business or employment in La Jolla."

C. Option 3 - Eliminate or Modify Attendance Requirement

1. **Eliminate.** Many people felt that there was little need for an attendance requirement, since the City does not require it and since it necessarily limits membership. It could be eliminated, or reduced to two meetings.

2. **Modify.** On the other hand, there seems to be some sentiment that requiring attendance at meetings ensures that those who participate will have some minimum notion of what is happening in the community. If the trustees are not inclined to eliminate the attendance requirement, they could still increase participation by modifying it in some minor ways, so that attendance at the two meetings just before the election in March would count toward the attendance requirement. Two means have been identified for doing this. First, the CPA could qualify persons who have attended three meetings in the prior 14 months (rather than the immediate prior 12-month year):

"has attended at least one-third or three (3) (whichever is less) of the regular public meetings of the Community Planning Association of La Jolla in the immediate prior fourteen months that commenced on January one (1) and ended on February 28 or 29."

Second, the CPA could count members during the twelve-month period from March to March, as follows:

"has attended at least one-third or three (3) (whichever is less) of the regular public meetings of the Community Planning Association of La Jolla in the immediate prior year that commenced on March one (1) and ended on February 28 or 29."

NOTICE

Some residents have expressed concern that even if residents were interested in participating in various decisions, it is difficult for them to figure out what is going on. The City's policy 600-24 requires the CPA to establish a procedure for ensuring the opportunity for public testimony and fair and reasonable debate:

"It shall be the duty of the committee to periodically seek community-wide understanding of and participation in the planning and implementation process as specified in Article II, Section 1. The committee shall give due consideration to all responsible community attitudes insofar as these are deemed to be in the best long-range interest of the community at large. It shall also be the duty of the committee, when reviewing development projects, to allow participation of affected property owners, residents and business establishments with proximity to the proposed development. The committee shall inform the project applicant or representative each time that such review will take place and provide the applicant with an opportunity to present the project. Any interested member of the public shall be given an opportunity to comment on projects during planning committee meetings." (Art. VI, § 3.)

"It shall be the duty of the Planning Department to annually purchase two advertisements for publication in a newspaper of broad City-wide distribution. The advertisements will describe the general function of the community planning committees, and will list the names of individual groups, their meeting times and locations, the date of the next election, and a Planning Department contact for each community. It shall be the duty of the community planning committee to make a good faith effort to contact community newspapers and utilize other means appropriate to their communities to advertise the elections." (Att. V, § 2.)

Article VI, Section 6 of the CPA Bylaws provides:

"Publicity regarding the time, place and agenda of the next Regular Meeting shall be arranged through the local newspapers and other suitable media, and through a written docket posted in a location that is freely accessible to members of the public at least 72 hours in advance of such meeting."

A number of individuals have noticed that the notices are rarely given in the media. Following is a list of suggestions for providing better notice, which would encourage greater participation:

- A. **Fact Sheet.** One way to provide better information for those who actually attend meetings is to prepare and distribute a "fact sheet," describing the purpose of the CPA, its meeting schedule, and its role in planning and land use in La Jolla. Also, there should be enough copies of documents that are passed out at the meetings for everyone in attendance. This way, members feel a part of the proceedings and can begin to be educated on the issues.
- B. **Web Page.** I understand that Cox Cable/Roadrunner will host a web page for community organizations; perhaps the CPA could take advantage of this. The CPA could post its fact sheet, as well as its schedule for considering specific projects, on this web page.
- C. **Newspapers.** It is apparent that the newspaper advertisements required by the City policy and the CPA bylaws have not been appearing. Could the La Jolla Light or La Jolla Village News agree to reserve space each week for announcements relating to the PDO and CDP review committees meetings? This has been common practice in the past.
- D. **Public Posting.** There should be a central location in La Jolla (e.g., the rec. center or library) where notices of upcoming projects could be posted for review by the public.
- E. **City Notices.** The notices sent by the City of San Diego to "interested persons" on particular projects do not list the dates and times of the meetings at which those projects will be considered, or even in some cases, the fact that there will be a public hearing. There is no specific instruction on how one might find out the date and time of a public hearing. Notices used in La Jolla can and should be more specific in this regard.

F. **Announcements.** The CPA can and should make announcements at every trustee meeting of the dates/times of its ongoing review committees. It should invite members of the public to attend these meetings as observers.

G. **Notice to Broader Class of "Affected Property Owners."** In some cases, it is important to involve more people than only "affected property owners": residents and business establishments within proximity of the proposed development." CPA Bylaws, Article VII, Section 5(c) provides that:

"It shall be the duty of the committee to periodically seek community wide understanding of and participation in the planning and implementation process as specified in Article II, Section 1. The committee shall give due consideration to all responsible community attitudes insofar as these are deemed to be in the best long-range interest of the community at large. It shall also be the duty of the committee, when reviewing development projects, to allow participation of affected property owners, residents and business establishments with proximity to the proposed development."

For example, the new Vons should have had community-wide involvement than it did. There should have been a special effort to provide notice to a far wider range of residents and property owners. The same is the case with respect to the effort to limit West Muirlands to one-way traffic. The CPA should identify standards when additional notice would be appropriate.

H. **Reports.** The CPA is represented on the citywide Community Planners Committee ("CPC"), but there are no reports on what positions the CPA has taken there on behalf of the community. For instance, the CPA never reported that it was the only one of the 18 designated San Diego community planning groups to oppose a requirement that development conform to the adopted community plan, or to support reducing the time for the review of final environmental impact reports and negative declarations from fourteen days to five days. This information is important to the community, and all votes taken at the CPC on behalf of the community should be reported at the monthly CPA business meeting.

REPRESENTATION

A. Composition of Board of Trustees

There is apparently concern among many members of the public that the composition of the board of trustees is not representative of La Jolla or its interests. The City Policy states that:

"Community planning committee members shall to the extent possible, be representative of the various geographic sections of the community and diversified community interests." (Article III, § 3.)

Similarly, the CPA Bylaws provide that:

"To the extent possible, Trustees shall be representative of the various geographic sections of the community and/or diverse community interests as determined by the City

Council and shall include property owners, residents and local business persons, in addition to other community interests." (Article III, § 6.)

Apparently, of the 18 trustees on the CPA, 13 rely on real estate development for their living, as architects, developers or real estate agents. The CPA Questions Memorandum correctly pointed out that architects and realtors play an important role as trustees, providing needed information and expertise. However, some people have expressed concern about the number of trustees who make their living from real estate development.

One method for addressing this would be to reserve a certain number of positions on the Board of Trustees (at least 10) for persons not receiving income from the real estate development industry. The CPA Questions Memorandum makes a valid point; "when you have 6 vacancies and you have only 6 nominees, including those nominated from the floor, it is not possible to be that selective." However, if there were more candidates running than spots available, nothing would prevent the CPA Bylaws from giving preference to non-real estate professionals until a majority of the trustees were not real estate professionals. This would certainly help fulfill the duty to ensure that "diversified community interests" are represented on the CPA, as required by the City Policy.

This could be accomplished over time by the following amendment, which would be an addition at Article III, Section 3:

"No more than 8 trustees serving at any particular time shall be Real Estate Professionals. For the purpose of these Bylaws, "Real Estate Professional" is defined as one who derives income from the development, improvement or sale of real estate, as a realtor, developer, architect, surveyor, builder or otherwise. Provided, however, that if at any election of trustees, there is an insufficient number of non Real Estate Professionals running for trustee to enable the CPA to meet the requirement of this Bylaw, each of the non Real Estate Professionals shall be elected trustee and the remaining seats may be filled by Real Estate Professionals."

If this bylaw were enacted, it would ensure that, over time, a majority of the trustees were not real estate professionals, but it would keep enough architects, developers and realtors on the Board to provide the expertise which we all need to make recommendations about land use to the trustees. This would serve the purpose of making sure the decisions are well informed. It would also dispel the beliefs of many that the current Board of Trustees represents only development interests, and not a diverse range of community interests.

A similar bylaw could be enacted to ensure that at least two trustees were from the major sections of La Jolla: Bird Rock, the Village, Mt. Soledad, and La Jolla Shores, with a provision that if those areas did not field candidates, the seats could be filled by the candidates available. One suggestion was to enlarge the subcommittees to include official representatives from other community organizations, including the La Jolla Shores Association and Birdrock.

B. Conflict of Interest

Whether or not the CPA is willing to impose a distribution requirement on trustee membership, it could strengthen its conflict of interest rules. Its bylaws provide only that:

- (1) Each corporation Trustee and committee member shall abstain from voting on projects in which they have a direct financial interest.

The City's own requirements are stricter:

"Any member of a community planning group with a direct economic interest in any project that comes before the group must disclose to the community planning group that economic interest, and must refrain from voting or participating in any manner as a member of the planning group."

A bylaws amendment that would incorporate the language of the City policy may address some of the concerns expressed (right or wrong) about the possibility of self-dealing among trustees.

C. Encouragement of Participation of Others on Review Committees

There appears to be no requirement in the Bylaws that members of standing review committees be UJPCA trustees. Encouraging participation by persons who are not currently trustees would broaden participation in the community, and could help "groom" people who have not been involved for later service as informed trustees.

PROCEDURES

A. Testimony

There is a concern that the CPA has from time to time served as an advocate for particular development projects, and that testimony on behalf of the CPA before the City Council or its committees should be limited to whether the project in question complies with the applicable laws, including the applicable PIDC. This concern is outlined fully in Ms. Lightner's letter dated November 18, 1997. There is little reason the Trustees could not refrain from advocating particular projects, rather than explaining how or why they meet the requirements of the law. In addition, testimony could easily be written and reviewed to ensure that it is accurate and appropriate before it is given on behalf of the CPA.

B. "Consent Items"

There is confusion about what items are discussed at CPA meetings. Actions taken by split votes from the committees are often handled as "consent items," and not discussed. On the other hand, items that were unanimously approved or disapproved by the subcommittees are taken up even without two trustees asking for discussion. These practices are at odds with the CPA requirements and should be brought into conformance.

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We would appreciate your careful consideration of each of these items. There is a certain amount of obvious concern about the functioning of the CPA, which could be addressed through the institution of these measures. We look forward to hearing from you.

Yours very truly,

A handwritten signature in black ink, appearing to read "Scott H. Peters", with a long horizontal line extending to the right.

Scott H. Peters

cc: Members, CPA Bylaws Committee
Richard Dahlberg